

REMARKS

By this amendment, claims 1 and 13-25 have been amended. Upon entry of these amendments, claims 1-36 will be pending.

In the Office Action¹, the Examiner rejected claims 13 and 25 under 35 U.S.C. § 101 as directed to non-statutory subject matter, and rejected claims 1-36 under 35 U.S.C. § 102(b), as anticipated by U.S. Patent No. 6,275,223 B1 to “*Hughes*.” Applicants respectfully traverse the rejections and requests reconsideration of this application in view of the foregoing amendments and following remarks.

I. Rejections under 35 U.S.C. § 101

Claims 13 and 25 are rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter. Although Applicant does not acquiesce to the rejection, claims 13 and 25 have been amended. Claim 13 now recites “[A]n output device for displaying a user-interface on a computer.” Claim 25 now recites “[A] computer program product tangibly embodied in a computer-readable storage medium, comprising instructions operable to cause a computer to perform a method.” Claims 13 and 25 thus clearly recite statutory subject matter. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §101.

II. Rejections under 35 U.S.C. § 102

Claims 1-36 are rejected under 35 U.S.C. §102(b), as being anticipated by *Hughes* (US 6,275,223 B1). Applicants respectfully traverse. In order to properly establish that *Hughes* anticipates Applicants’ claims under 35 U.S.C. § 102, each and

¹ The Office Action contains a number of statement reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Office Action.

every element of each of the claims must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Hughes does not disclose each and every element of Applicants’ claims. For example, amended independent claim 1 recites “receiving a user input to adjust at least one of the position or size of the non-pattern based user interface.” The Examiner alleges that “*Hughes* teaches . . . a non-pattern based user interface,” citing to Figures 7, 15 and 17 and at col. 11, lines 55-65 (Office action at pages 2-3). This is not correct.

Hughes discloses that “[A]ll graphical user interfaces log into display views generated on a main graphical user interface.” Column 3, lines 54-55. *Hughes* then states that “[a]ll developers view a same display” (Column 3, at lines 62-63) and repeats this similarity at Column 14, lines 36-39 where “each inspector workstation is logged in to the moderator workstation display view” and “all developers have a same view as the moderator in real time.” The displays of *Hughes* follow a pattern since each display of *Hughes* is “a same” [sic]. Therefore, no display of *Hughes* constitutes “the non-pattern based user interface,” (emphasis added) as required by claim 1.

Furthermore, *Hughes*’ process includes “in response to inputs from a graphical user interface, modifying individual lines of [said] code” and “inputting modifications to [said] code to produce modified code.” Emphasis added, Column 4, lines 25-26 and 53-54. Since only the code is modified, the capabilities to make “modifications” in *Hughes*’

process do not constitute "receiving a user input to adjust at least one of the position or size of the non-pattern based user interface" (*emphasis added*), as required by claim 1.

For at least the foregoing reasons, *Hughes* does not teach or suggest each and every element of independent claim 1. Accordingly, *Hughes* does not anticipate claim 1 and the rejection of this claim should be withdrawn.

Independent claims 13 and 25, though of different scope from claim 1, recite elements similar to those set forth above for claim 1. Claims 13 and 25 are therefore allowable over *Hughes* for at least the reasons presented above. Claims 2-12, 14-24 and 26-36 are also allowable at least due to their respective dependence from the independent claims. As such, the Examiner is requested to reconsider and withdraw the rejections under 35 U.S.C. § 102.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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for